



HOUSE OF REPRESENTATIVES

COMMITTEE ON JUDICIARY

REP. GRAHAM FILLER

CHAIR

COMMITTEE MEETING MINUTES

Tuesday, February 11, 2020

9:00 AM

Room 519, House Office Building

The House Standing Committee on Judiciary was called to order by Chair Filler.

The Chair requested attendance be called:

Present: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Absent/Excused: None.

Representative Howell moved to adopt the meeting minutes from February 4, 2020. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 5421 before the committee:

HB 5421 (Rep. Filler) A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 539c (MCL 750.539c).

Chairman Filler testified in support of HB 5421.

Brad Ward, representing the Michigan Realtors, testified in support of HB 5421. Questions and discussion followed.

The Chair laid HR 227 before the committee:

HR 227 (Rep. Eisen) A resolution to reaffirm the right of Michigan residents to keep and bear arms under the

Constitution of the State of Michigan of 1963 and the
Constitution of the United States.

Representative Eisen testified in support of HR 227. Questions and discussion followed.

The Chair laid HB 4254, HB 4255, HB 4256, HB 4257, HB 4258, HB 4259, HB 4260 and HB 4265 before the committee:

- HB 4254 (Rep. Wozniak) A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by amending the heading of chapter XXA and by adding section 145s.
- HB 4255 (Rep. Filler) A bill to amend 1974 PA 258, entitled "Mental health code," by amending section 134a (MCL 330.1134a), as amended by 2014 PA 72.
- HB 4256 (Rep. Bolden) A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 20173a and 21313 (MCL 333.20173a and 333.21313), section 20173a as amended by 2017 PA 167 and section 21313 as amended by 2012 PA 51.
- HB 4257 (Rep. Crawford) A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending sections 13, 31, and 34b (MCL 400.713, 400.731, and 400.734b), section 13 as amended by 2012 PA 52, section 31 as amended by 1994 PA 150, and section 34b as amended by 2014 PA 73.
- HB 4258 (Rep. Yancey) A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 2802 (MCL 700.2802), as amended by 2012 PA 173.
- HB 4259 (Rep. Guerra) A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16i of chapter XVII (MCL 777.16i), as amended by 2012 PA 169.
- HB 4260 (Rep. Anthony) A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 174a (MCL 750.174a), as amended by 2013 PA 34.
- HB 4265 (Rep. Farrington) A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2017 PA 74.

The following people submitted a card in support of HB 4254, HB 4255, HB 4256, HB 4257, HB 4258, HB 4259, HB 4260 and HB 4265, but did not wish to speak:

Ron Tatro, representing Elder Law of Michigan.

Representative Rendon moved to adopt substitute (H-1) to HB 4254. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaGrand offered the following amendments to HB 4254 (H-1):

1. Amend page 1, line 4, after "who" by striking out "assaults" and inserting "batters".
2. Amend page 2, line 1, by striking out "pain, or mental suffering,".

Representative LaGrand moved to adopt the amendments to HB 4254 (H-1). The motion did not prevail 4-6-3:

UNFAVORABLE ROLL CALL

Yeas: Reps. LaFave, Steven Johnson, Berman, LaGrand.

Nays: Reps. Filler, Farrington, Howell, Rendon, Wozniak, Elder.

Pass: Reps. Guerra, Yancey, Bolden.

Representative Wozniak moved to report out HB 4254 with recommendation, as substitute (H-1). The motion prevailed 9-3-1:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, Farrington, Howell, Rendon, Wozniak, Guerra, Elder, Yancey, Bolden.

Nays: Reps. LaFave, Steven Johnson, LaGrand.

Pass: Rep. Berman.

Representative Farrington moved to report out HB 4255 with recommendation. The motion prevailed 9-2-2:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, Farrington, Howell, Rendon, Wozniak, Guerra, Elder, Yancey, Bolden.

Nays: Reps. LaFave, Steven Johnson.

Pass: Reps. Berman, LaGrand.

Representative Farrington moved to report out HB 4256 with recommendation. The motion

prevailed 9-2-2:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, Farrington, Howell, Rendon, Wozniak, Guerra, Elder, Yancey, Bolden.

Nays: Reps. LaFave, Steven Johnson.

Pass: Reps. Berman, LaGrand.

Representative Howell moved to adopt substitute (H-1) to HB 4257. The motion prevailed 12-0-1:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: Rep. LaGrand.

Representative Howell moved to report out HB 4257 with recommendation, as substitute (H-1). The motion prevailed 9-2-2:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, Farrington, Howell, Rendon, Wozniak, Guerra, Elder, Yancey, Bolden.

Nays: Reps. LaFave, Steven Johnson.

Pass: Reps. Berman, LaGrand.

Representative Bolden moved to report out HB 4258 with recommendation. The motion prevailed 9-2-2:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, Farrington, Howell, Rendon, Wozniak, Guerra, Elder, Yancey, Bolden.

Nays: Reps. LaFave, Steven Johnson.

Pass: Reps. Berman, LaGrand.

Representative Rendon moved to report out HB 4259 with recommendation. The motion prevailed 9-2-2:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, Farrington, Howell, Rendon, Wozniak, Guerra, Elder, Yancey, Bolden.

Nays: Reps. LaFave, Steven Johnson.

Pass: Reps. Berman, LaGrand.

Representative Wozniak moved to adopt substitute (H-3) to HB 4260. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: None.
Pass: None.

Representative Wozniak moved to adopt substitute (H-4) to HB 4260. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: None.
Pass: None.

Representative Wozniak moved to report out HB 4260 with recommendation, as substitute (H-4). The motion prevailed 9-2-2:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, Farrington, Howell, Rendon, Wozniak, Guerra, Elder, Yancey, Bolden.
Nays: Reps. LaFave, Steven Johnson.
Pass: Reps. Berman, LaGrand.

Representative Farrington moved to adopt substitute (H-1) to HB 4265. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.
Nays: None.
Pass: None.

Representative Farrington moved to report out HB 4265 with recommendation, as substitute (H-1). The motion prevailed 9-2-2:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, Farrington, Howell, Rendon, Wozniak, Guerra, Elder, Yancey, Bolden.
Nays: Reps. LaFave, Steven Johnson.
Pass: Reps. Berman, LaGrand.

The Chair laid SB 253 before the committee:

SB 253

(Sen. Lucido) A bill to amend 1846 RS 81, entitled "Of fraudulent conveyances and contracts, relative to goods, chattels, and things in action," by amending section 2 (MCL 566.132), as amended by 1992 PA 245.

Representative Steven Johnson moved to report out SB 253 with recommendation. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

The Chair laid HB 5054, HB 5055, HB 5056, HB 5057 and HB 5058 before the committee:

- HB 5054 (Rep. Farrington) A bill to amend 2014 PA 319, entitled "Sexual assault victim's access to justice act," by amending section 4 (MCL 752.954).
- HB 5055 (Rep. Calley) A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15c of chapter IV (MCL 764.15c), as amended by 2001 PA 210.
- HB 5056 (Rep. Pagan) A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 2a, 6, and 13a (MCL 780.752a, 780.756, and 780.763a), section 2a as added and section 13a as amended by 2006 PA 461, and section 6 as amended by 2005 PA 184.
- HB 5057 (Rep. Rendon) A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 61b, 66, and 78a (MCL 780.811b, 780.816, and 780.828a), section 61b as added and section 78a as amended by 2006 PA 461 and section 66 as amended by 2000 PA 503.
- HB 5058 (Rep. Bolden) A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 31a, 36, and 41a (MCL 780.781a, 780.786, and 780.791a), section 31a as added and section 41a as amended by 2006 PA 461 and section 36 as amended by 2000 PA 503.

Substitute (H-1) to HB 5054 was previously adopted on January 14, 2020

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Substitute (H-1) to HB 5057 was previously adopted on January 14, 2020.

Substitute (H-1) to HB 5058 was previously adopted on January 14, 2020.

The following people submitted a card in support of HB 5054, HB 5055, HB 5056, HB 5057 and HB 5058, but did not wish to speak:

Jean Doss for Jane Black O'Shea, representing the Michigan Junior Leagues.

Representative LaFave moved to report out HB 5054 with recommendation, as substitute (H-1).
The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out HB 5055 with recommendation, as substitute (H-1).
The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative Farrington moved to report out HB 5056 with recommendation, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out HB 5057 with recommendation, as substitute (H-1).
The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative Bolden moved to report out HB 5058 with recommendation, as substitute (H-1).
The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak,
LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

There being no further business before the committee, Rep. Graham Filler adjourned the meeting
at 9:42 AM.

Representative Graham Filler, Chair

Melissa Sweet
Committee Clerk
msweet@house.mi.gov